

### **Amendments to the Drawings**

Replace page 3 (FIG. 4) of the drawings with the Replacement Sheet 3 submitted herewith, wherein block 324 has been changed to replace “VERTERICAL” with “VERTICAL,” and wherein block 334 has been changed to replace “PORTION” with “POSITION.”

Attachment: 1 annotated sheet  
1 replacement sheet

### **Remarks/Arguments**

This is responsive to the Office Action of June 12, 2006. The amendments herein are proper, do not add new matter, do not require additional searching by the Examiner, are not narrowing in view of a prior art rejection, and place all pending claims in condition for allowance.

The amendment to block 324 in FIG. 4 changing “VERTERICAL” to “VERTICAL” simply corrects a typographical error.

The amendment to block 334 in FIG. 4 changing “PORTION” to “POSITION” corrects a drafting error. Support for the amendment can be found at least in para. [0034]: “And at process step 334, the caddy portion is positioned relative to a re-lid position (such as 190)....”

The amendment to claim 21 adds the rotation feature of former dependent claim 21 solely in order to more particularly point out and distinctly claim that which is the patentable subject matter of the present embodiments. Particularly, as discussed below, the amendment is not narrowing in view of a prior art rejection.

### **Rejection Under 35 U.S.C. 102(a)**

Claims 21 and 22 stand rejected as being anticipated by US 20040175258 by Haas (Haas ‘258, now U.S. 7,013,198) under Section 102(a). Applicant traverses the rejection because Haas ‘258 does not qualify as prior art under Section 102.

A person shall be entitled to a patent unless the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent.

(35 USC 102(a))

The present application has a priority filing date of December 16, 2002, marking Applicant's constructive reduction to practice of the claimed embodiments. Applicant's actual reduction to practice occurred prior to this provisional application filing date. Applicant's priority filing date is prior to both the publication date (September 9, 2004) and the patent issuance date (March 14, 2006) of the cited reference. Therefore, Haas '258 is not a prior art reference according to 35 USC 102(a).

Applicant further notes for the record that Haas '258 is also not a prior art reference even under 35 USC 102(e), because both the present application and Haas '258 have the same priority date of December 16, 2002. That is, Haas '258 was not:

described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent....  
(35 USC 102(e))

Nevertheless, Applicant has amended claim 21 solely in order to more particularly point out and distinctly claim that which is the patentable subject matter, in order to facilitate progress in this on the merits. Particularly, the amendment to claim 21 is not narrowing in scope in view of a prior art rejection because neither the Haas '258 application nor the Haas '198 patent qualifies as a Section 102 prior art reference.

Claim 21 as amended recites *a grip assembly configured to grippingly engage the cassette as it is disposed in a first longitudinal plane, and rotate the cassette to a different longitudinal plane to orient the work article in the cassette at a presentation position....* In the illustrative embodiments the grip assembly grips the cassette and rotates it around a lateral axis that is perpendicular to the cassette's longitudinal axis in order to present the

discs to the processing operation. This direction of rotation places the cassette in a different longitudinal plane as a result of the rotation.

Haas '258 likewise grips the microplate longitudinally:

A hand 66 is provided on the distal end of the arm 64 and has a pair of fingers 68 configured to grip the lateral edges of the microplate 12. The fingers 68 are moveable laterally relative to the arm 64 to bring them into engagement with the lateral edges of the plate 12.  
(Haas '258 para. [0025], emphasis added)

However, in the only rotation disclosed by Haas '258 the gripped microplate 12 is rotated laterally, or in other words within the same longitudinal plane:

The device 16 is then utilized to retrieve selected microplates and deliver them to the analyzer 22 or conveyor 18 depending upon the process to be performed. To achieve this, the head 52 is positioned vertically in alignment with the required microplate 12 and rotated by the motor 60 to be orientated towards the selected microplate. The arm 64 is then extended and the fingers 68 actuated to grip the selected microplate 12. The arm 64 is then retracted to remove the microplate 12 from the stack 42 and locate it within the core 50. The head 52 is then lowered so as to be located within the plinth 36 at the delivery station 15 and oriented through operation of the motor 60 to position the microplate 12 for delivery to either the conveyor 18 or the analyzer 22.  
(Haas '258 para. [0026], emphasis added)

None of the prior art of record identically discloses all the recited features of claim 21. Therefore, reconsideration and withdrawal of the present rejection of claim 21 and the claims depending therefrom are respectfully requested.

#### **Allowable Subject Matter**

Applicant gratefully acknowledges the allowance of claims 1-17, and the indication of allowability of claim 23. However, Applicant has opted to not place claim 23 in

independent form because it is entitled to the broader scope of the independent claim from which it depends.

### **Conclusion**

This is a complete response to the Office Action mailed June 12, 2006. Applicant requests withdrawal of all rejections and passage of all the pending claims to allowance. Applicant has also submitted herewith is a request for telephone interview in the absence of allowance. Applicant respectfully requests the interview, as it is necessary in order to facilitate prosecution on the merits as quickly as possible. The Examiner is invited to contact the Attorneys listed below should any questions arise concerning this response or request for interview.

Respectfully submitted,

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